



Town of Moultonborough Planning Board

Notice of Decision

Site Plan Revision & Conditional Use Permit

CruCon Real Estate Holdings, LLC

87 Whittier Highway/Tax Map 141, Lot 12

April 29, 2014

Applicant: CruCon Real Estate Holdings, LLC
PO Box CRUISES
Center Harbor, NH 03226
Location: Whittier Highway (Tax Map 141, Lot 12)

On April 23, 2014, the Planning Board of the Town of Moultonborough opened a public hearing on the application of **CruCon Real Estate Holdings, LLC** (hereinafter referred to as the "Applicant" and/or "Owner") to permit the change of use from a business office to a daycare facility in the Commercial A Zoning District, constructing associated access ways, striping and parking, walkways, lighting and signage with the closure of the existing driveway, granting a waiver of the requirement to provide a traffic impact analysis and to grant the 5% lot coverage incentive to abutting Lot 11, and to further grant a conditional use permit to allow the 25 ft. wide vegetated buffer along the frontage to be essentially at 0 ft. because of the requirements of PSNH. The Board **GRANTED** the Site Plan Revision and Conditional Use Permit with the conditions as listed in number 1, and to **GRANT** the request for the waiver to not require submittal of a traffic impact analysis report by a vote of seven (7) in favor (J. Bartlett, Kumpf, S. Bartlett, Quinlan, Charest, Howard, Wakefield), none (0) opposed, subject to the following conditions:

1. Specific Conditions

- a. That the NH DOT District III Amended Driveway Permit and any specific conditions become part of the approval and submitted prior to plan signing.
- b. That the property address (number) be added to title on the plan prior to the Chair signing the plan;
- c. Add extending the sewer main across the front of the lot with a shorter service connection to the plan. Construction to occur after coordination and approval with the Bay Sewer District and prior to the granting of a Certificate of Occupancy.
- d. The final plan be submitted to the Development Services Office in electronic format to include both a pdf and a cadd file format such as .dwg or .dxf.
- e. Add widening the road 2 ft. in the area of the drop off and pickup zone (east side) to the plan prior to plan signing.

- f. The Notice of Decision shall be recorded and tied to the parcel deed at the Carroll County Registry of Deeds.

2. Owner's Agent Agreed-to Conditions

- a. Extending the sewer main across the front of the lot past the driveway and the concrete sidewalk.

3. Conformance with Plan

Work shall conform with the plan set entitled, "Proposed Site Plan Amendment, Land of CruCon Real Estate Holdings, LLC (Tax Map 141, Lot 12) Whittier Highway (NH Route 25), Town of Moultonborough, Carroll County, NH, prepared for CruCon Real Estate Holdings, LLC, final revision date 29 April 2014", prepared by Ames Associates, 164 NH Route 25, Meredith, NH.

4. Amendments

Any modification to the original approved plan created by Ames Associates titled "Site Plan Amendment, Land of CruCon Real Estate Holdings, LLC (Tax Map 141, Lot 12) Whittier Highway (NH Route 25), Town of Moultonborough, Carroll County, NH, prepared for CruCon Real Estate Holdings, LLC, final revision date 29 April 2014", and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner.

5. Endorsement of Plan

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved site plan set, subject to conditions of this approval, which shall be recorded at the Town Clerk's Office in Moultonborough Town Hall. The Notice of Decision associated with this site plan review approval shall be recorded at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (III), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing. Copies of all signed plans and recorded documents shall be provided to the Town at the applicant's expense within 30 days of recording.

6. Site Plan Regulations

The Site shall be constructed in accordance with the requirements of the Site Plan Regulations and any other applicable rules and regulations in force at the date of approval and as affected by this decision.

7. Transfer of Ownership

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

8. Progress Reports

Upon the request of the Planning Board, the owner shall submit reports of the progress of the site's completion within five (5) business days.

9. Construction Practices

All construction shall be carried out in accordance with Town of Moultonborough ordinances and Site Plan Regulations, NHDOT Standard Specifications, as well as all other pertinent rules and regulations. Additionally, all staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

10. Construction Requirements

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner prior to the issuance of a Certificate of Occupancy for the site.
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

11. Fire Department

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

12. Development Services Office

All work shall comply with the requirements of the Development Services Office, the Town Planner and the Code Enforcement Officer, and shall be reviewed as part of the Certificate of Occupancy application process.

13. Utilities

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit and/or Certificate of Occupancy.

14. Lighting

All lighting shall be in conformance with the approved plan, the Town of Moultonborough Zoning Ordinance and Site Plan Regulations in effect at the date of Site Plan approval.

15. Signage

Any proposed signage shall be in compliance with the Town of Moultonborough Zoning Ordinance, Article 5, and shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy for the site.

16. E-911 Numbering

The site shall conform to the Town of Moultonborough Building Numbering System Ordinance (Section 20), prior to the issuance of a Certificate of Occupancy for the site.

17. As-built Plans

As-built plans, stamped by a New Hampshire Licensed Land Surveyor and if applicable a New Hampshire Licensed Professional Engineer, shall be submitted to the Development Services Office prior to the issuance of a Certificate of Occupancy for the site.

18. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and made part of this Notice of Decision.

19. Right to Amend Decision

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

20. Violations

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Code Enforcement Officer, unless the violation of such condition is cured within fourteen (14) days. Outstanding violations of the approved plans or conditions of approval may result in the revocation of the certificate of occupancy by the Code Enforcement Officer or of this approval by the Planning Board after due course of a required compliance hearing.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.



Bruce W. Woodruff
Town Planner

Date 4-30-2014